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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,187	03/05/2001	Christina M. Grozinger	HUV-037.01	3390
25181	7590	04/13/2004	EXAMINER	
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110			SLOBODYANSKY, ELIZABETH	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/800,187	GROZINGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth Slobodyansky, PhD	1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 13-24, 27, 28 and 78-85 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 13, 14, 17-24, 27, 28 and 78-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

Continuation of Attachment(s) 6). Other: Sequence alignments; CRF Error Report.

### **DETAILED ACTION**

The amendment file November 3, 2003 amending the specification to insert reference to the sequence identifiers, canceling claims 1, 2, 4-12, 25, 26 and 29-77 and amending claims 3, 13, 14, 17-19, 21, 24, 27 and adding claims 78-85 has been entered.

The Sequence Listing filed November 3, 2003 has been entered.

Claims 3, 13, 14-17, 18-24, 27, 28 and 78-85 are pending. Claims 15, 16 have been previously withdrawn.

Claims 3, 13, 14, 17-24, 27, 28 and 78-85 are under consideration.

### ***Specification***

The computer readable form of the Sequence Listing filed November 3, 2003 contains errors. Raw Sequence Listing Error Report is attached to this Office action.

The substitute Sequence listing and CRF are required.

The specification is objected to because it refers to SEQ ID NOs: 1, 3 or 5 as amino acid sequence whereas said sequences are nucleotide sequences (e.g., page 28).

Appropriate correction is required.

### ***Claim Objections***

Claims 3, 13, 14, 17-24, 27, 28 and 78-85 are objected to because of the following informalities:

The claims recite "SEQ.ID.NO. X" wherein "SEQ ID NO: X" is customary.

Claim 22 does not end with a period.

Claim 85 recites "polypeptide-having". A hyphen should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18, 78, 79 and 81 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 18 has been amended to recite a molecular weight of "131 kD to 208 kD". Applicants indicate support for the amendment on page 4 and page 57. While there is support for 131 kD on page 57, the examiner is unable to locate adequate support in the specification for 208 kD.

Claims 78 and 79 recite a polypeptide sequence having at least 95% homology with SEQ ID NO:10 and SEQ ID NO:74, respectively. While there is support for a polypeptide sequence having at least 95% homology with SEQ ID NO: 6 (page 28), the examiner is unable to locate adequate support in the specification for 95% homology to fragments of SEQ ID NO:6, including SEQ ID NOs:10 and 74.

Claim 81 recites "at least three-fold deacetylation activity". Applicants indicate support for the claim in Figure 3 and on pages 56-57. While there is support for "two-fold" increase, the examiner is unable to locate adequate support in the specification for "three-fold" increase.

Thus there is no indication that nucleic acids encoding polypeptides having the limitations recited in the claims and discussed above were within the scope of the invention as conceived by Applicants at the time the application was filed.

Accordingly, Applicants are required to cancel the new matter in the response to this Office Action.

Claims 78, 79 and 84 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 78 and 79 are drawn to a DNA encoding HDAC6 comprising a polypeptide sequence having at least 95% homology with SEQ ID NO:10 and SEQ ID NO:74, respectively.

There is no limitation on the HDAC6 full length amino acid sequence. Furthermore, SEQ ID NO:10 and SEQ ID NO:74 are 73 and 74 amino acids long, respectively, whereas the full length amino acid sequence of HDAC6 of the instant invention (SEQ ID NO:6) is 1215 amino acids long. Thus, SEQ ID NOs: 10 and 74 represent about 6% of the full length sequence of SEQ ID NO:6. The recited structural feature of the genus (i.e., comprise a fragment of SEQ ID NO:6 that is SEQ ID NO:10 or SEQ ID NO:74) does not constitute a substantial portion of the genus as the remainder of the structure of a polypeptide with HDAC6 activity is completely undefined. Fragments consisting of 73-74 amino acids of SEQ ID NO:6 by themselves are highly unlikely to have HDAC6 activity and the specification does not define the remaining structural features necessary for members of the genus to be selected.

It is noted that claims 78 and 79 recite not SEQ ID NOs:10 and 74 but the sequences homologous thereto. The homologous sequences as defined on page 20, may not have any identity with SEQ ID NOs: 10 and 74 providing an additional ground for the above consideration.

Therefore, the specification is insufficient to put one of skill in the art in possession of the attributes and features of all species within the claimed genus. Therefore, one skilled in the art cannot reasonably conclude that the applicant had possession of the claimed invention at the time the instant application was filed.

Claim 84 recites "any cyclic tetrapeptide inhibitors of histone deacetylases". Said genus would comprise a great number of compound both naturally occurring and man

made. The specification teaches no single representative species of the genus of cyclic tetrapeptide inhibitors of histone deacetylases. The specification provides neither information with regard to the structure: function relationship common to all members of the genus nor identifying characteristics that render a cyclic tetrapeptide an inhibitor of histone deacetylase.

Therefore, the specification is insufficient to put one of skill in the art in possession of the attributes and features of all species within the claimed genus.

Therefore, one skilled in the art cannot reasonably conclude that the applicant had possession of the claimed invention at the time the instant application was filed.

Claims 3, 13, 14, 19-24 are 78-85 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a nucleic acid encoding HDAC6 of SEQ ID NO:6, including SEQ ID NO:5, does not reasonably provide enablement for a nucleic acid encoding HDAC6 that hybridizes to SEQ ID NO:5 under undefined stringent conditions or encodes a polypeptide that is 85%, 95% or 99% homologous to SEQ ID NO:6 or encodes a polypeptide comprising a sequence that is 95% homologous to SEQ ID NO:10 or SEQ ID NO:74. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, how to make the invention commensurate in scope with these claims.

Factors to be considered in determining whether undue experimentation is required, are summarized in In re Wands 858 F.2d 731, 8 USPQ2nd 1400 (Fed. Cir.



1988). They include (1) the quantity of experimentation necessary, (2) the amount of direction or guidance presented, (3) the presence or absence of working examples, (4) the nature of the invention, (5) the state of the prior art, (6) the relative skill of those in the art, (7) the predictability or unpredictability of the art, and (8) the breadth of the claims.

Claim 3 is drawn to a nucleic acid which hybridizes under stringent conditions to a nucleotide sequence designated in SEQ ID NO:5. Since hybridization conditions are not defined, the percent identity to SEQ ID NO:5 is unknown. Claims 13, 14 and 85 recite percent homology that could result in sequences having an unknown percent or no identity with SEQ ID NO:6. Claims 78 and 79 and do not define the HDAC6 structure as discussed above.

The specification does not support the broad scope of the claims which encompass polynucleotides encoding a HDAC6 polypeptide having an unknown identity to SEQ ID NO:6 because the specification does not establish: (A) regions of the protein structure which may be modified without affecting any HDAC activity and specifically HDAC6 activity; (B) the general tolerance of HDACs to modification and extent of such tolerance; (C) a rational and predictable scheme for modifying any HDAC6 residues with an expectation of obtaining the desired biological function; and (D) the specification provides insufficient guidance as to which of the essentially infinite possible choices is likely to be successful.

The specification teaches a polynucleotide of SEQ ID NO:5 encoding a HDAC6 of 1215 amino acids (SEQ ID NO:6). The catalytic domains of said HDAC6 are located

at residues 215-287 of SEQ ID NO:6 (SEQ ID NO:10) and residues 610-683 of SEQ ID NO:6 (SEQ ID NO:74). However, a fragment corresponding to SEQ ID NOs:10 or 74 is unlikely to exhibit HDAC6 activity and it constitutes about 6% of the amino acid structure. Despite knowledge in the art to produce mutations in proteins, the specification fails to provide guidance as to where, and what type of (i.e., what amino acid to substitute into, add to or delete from the known sequence), changes in amino acid residues will result in a desired enzymatic activity. The amino acid sequence of a protein determines its structural and functional properties, and predictability of what mutations can be tolerated in a protein's sequence and result in a certain activity is extremely complex, and well outside the realm of routine experimentation, because accurate predictions of a protein's function from mere sequence data are limited.

Furthermore, while recombinant and mutagenesis techniques are known, it is not routine in the art to screen large numbers of mutated proteins or genes where the expectation of obtaining similar activity is unpredictable based on the instant disclosure.

Therefore, one of ordinary skill in the art would require guidance, beyond that provided in the specification, in order to make a polynucleotide encoding a HDAC6 polypeptide that hybridizes to SEQ ID NO:5 under undefined stringent conditions, a polynucleotide encoding a HDAC6 polypeptide that is at least 85%, 95% or 99% homologous to SEQ ID NO:6 or a polynucleotide encoding a HDAC6 polypeptide that comprises SEQ ID NOs:10 or 74 in a manner reasonably correlated with the scope of the claims. Without such guidance, the experimentation left to those skilled in the art is undue.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 13, 14, 17-24, 27, 28 and 78-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 13, 14, 17-24, 27, 28 and 78-85 recite "HDAC6 activity". The specification does not define the features that render "an HDAC activity" specifically "HDAC6 activity".

Claims 13, 14, 17-24, 27, 28 and 78-85 recite "% homology". The term homology is not clearly defined by the specification rendering the metes and bound of the claims unascertainable. The specification defines homology as when the equivalent position site is occupied by a "similar amino acid (e.g., similar in steric and/or electronic nature)" (page 20, 1<sup>st</sup> paragraph). The metes and bounds of "similar" are not clear.

Claims 13, 14, 17, 18-24, 27, 28 and 80-85 are drawn to a nucleic acid encoding an HDAC6 polypeptide wherein said polypeptide sequence has HDAC6 activity. It is presumed that "an HDAC6 polypeptide" has an HDAC6 activity. Further, it is a polypeptide not a sequence thereof that has the activity.

Claim 3 recites "hybridization conditions". The specification defines said conditions by non-limiting examples rendering the metes and bounds of the claims unascertainable(pages 14-15).

Claim 18 depends from claim 17 and is drawn to a nucleic acid encoding HDAC6 polypeptide with a molecular weight in the range of 131 kD to 208 kD. Claim 17 is drawn

to a nucleic acid encoding a polypeptide of SEQ ID NO:6. While the molecular weight of a polypeptide can vary due to posttranslational modifications, the nucleic acid encoding thereof is the same rendering the difference in scope between claims 17 and 18 unclear.

Claims 80 and 81 recite "activity above background levels". "the background levels" can be obtained with different compositions such as a buffer and a substrate without an enzyme or a buffer without an enzyme and a substrate, for example.

Claim 83 recites "activity that is sensitive". Sensitivity can mean different effects such as inhibition, promotion, etc. and different degrees thereof.

Claim 84 recites "activity that is insensitive". The metes and bounds of said term are defined by neither the specification nor the art.

### ***Claim Rejections - 35 USC 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 13, 14, 17, 18, 21-23 and 78-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Strom et al. Strom et al. (GenBank accession AJ011972, October 19, 1998) teach a nucleic acid of 4099 bp encoding histone deacetylase-like protein (JM21) of 1215 amino acids having the amino acid sequence that is 100% identical to SEQ ID NO:6. The properties recited in claims 80-84 are inherent to the nucleic acid.

***Claim Rejections - 35 USC 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strom et al. in view of Schreiber et al.

The teaching of Strom et al. are outlined above.

Schreiber et al. (WO 97/35990, form PTO-1449, reference BA) teach nucleic acids encoding human histone deacetylases, "*HDx*" genes, and their applications and uses. They teach nucleic acids encoding fusion proteins comprising *HDx* polypeptides (page 3, lines 29-35, claims 34-35). They teach that a nucleic acid can include a transcriptional regulatory sequence and can be included in a vector and cell (page 4, lines 14-21, claims 37-38). Schreiber et al. teach a method of producing an *HDx* polypeptide (claim 39). They teach recombinant transfection systems (claims 42-43).

One of ordinary skill in the art at the time the invention was made would have been motivated to make nucleic acids encoding a fusion protein of an HDAC6 polypeptide, include a regulatory sequence and to put the construct into a cell as well as to prepare a transfection system as required by claims 19-24, 27 and 28 according to the customary uses of nucleic acids in the art that are specifically taught by Schreiber et al. in relation to nucleic acids encoding *HDx* polypeptides. One of ordinary skill in the art

at the time the invention was made would have a reasonable expectation of success because of the high level of knowledge in the field of nucleic acid manipulation and the teachings of Schreiber et al. who successfully applied it to various *HDx* genes.

### ***Response to Arguments***

Applicant's arguments filed November 3, 2004 have been fully considered but they are not persuasive.

With regard to the 112,1<sup>st</sup> written description rejection, Applicants argue that the rejection of claim 3 should be withdrawn in view of the amendment (Remarks, page 14). This is agreed with and amended claim 3 is not rejected for the insufficient written description.

With regard to the 112,1<sup>st</sup> enablement rejection, Applicants argue that the recitation of the function should obviate the rejection of claim 3 (Remarks, page 14). The rejection above is worded to explain the reasons for which the claims reciting the function lack enablement.

The previous 112, 2<sup>nd</sup> rejection, is moot in view of the amendment (page 15). However, amended and new claims are rejected under 112, 2<sup>nd</sup>, for the reasons given above.

With regard to the 102(b) rejection, Applicants argue that "Amino acid 994 of SEQ ID NO:6 is a threonine residue whereas amino acid 994 of the protein sequence of AJ011972 is an isoleucine residue" (page 16). This is incorrect because SEQ ID NO:6 has an isoleucine at position 994. The alignments of GenBank accession AJ011972 and

SEQ ID NO:5 and the sequence encoded thereby and SEQ ID NO:6 are attached to this Office action.

With regard to the 103(a) rejection, Applicants argue that "Strom et al. and Schreiber et al. are devoid of any suggestion, motivation, or guidance to combine each other to make nucleic acids encoding fusion proteins comprising HDAC6 polypeptides or expression vectors, host cells, cell culture and transfection systems for producing recombinant HDA6" (page 17). This is not agreed with for the reasons given above in the rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Slobodyansky, PhD whose telephone number is 571-272-0941. The examiner can normally be reached on M-F 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, PhD can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

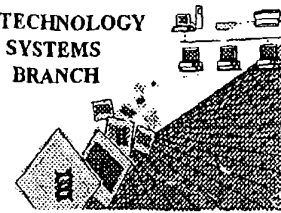
A handwritten signature in black ink, reading "E. Slobodyansky". The signature is fluid and cursive, with a large, stylized "E" and a long, sweeping underline.

Elizabeth Slobodyansky, PhD  
Primary Examiner  
Art Unit 1652

April 9, 2004



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RAW SEQUENCE LISTING NOV 1 0 2003

ERROR REPORT

TECH CENTER 1000/2900

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/800,187A

Source: 7600

Date Processed by STIC: 11/6/03

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT

MARK SPENCER, TELEPHONE: 703-308-4212; FAX: 703-308-4221

Effective 12/13/03: TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to (EFFECTIVE 12/01/03):  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 10/08/03



1600

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/800,187A

DATE: 11/06/2003

TIME: 09:59:06

Input Set : A:\HUV-037.01.st25.txt

Output Set: N:\CRF4\11062003\I800187A.raw

3 <110> APPLICANT: GROZINGER, CHRISTINA M.  
 4 HASSIG, CHRISTIAN A.  
 5 SCHREIBER, STUART L.  
 7 <120> TITLE OF INVENTION: CLASS II HUMAN HISTONE DEACETYLASES, AND USES RELATED  
 8 THERETO  
 10 <130> FILE REFERENCE: HUV-037.01  
 12 <140> CURRENT APPLICATION NUMBER: 09/800,187A  
 13 <141> CURRENT FILING DATE: 2001-03-05  
 15 <150> PRIOR APPLICATION NUMBER: 60/186,802  
 16 <151> PRIOR FILING DATE: 2000-03-03  
 E--> 18 <160> NUMBER OF SEQ ID NOS: 73 (see below)  
 20 <170> SOFTWARE: PatentIn Ver. 2.1

## ERRORED SEQUENCES

2339 <210> SEQ ID NO: 78 *last sequence in file*  
 2340 <211> LENGTH: 5  
 2341 <212> TYPE: PRT  
 2342 <213> ORGANISM: Artificial Sequence  
 2344 <220> FEATURE:  
 2345 <223> OTHER INFORMATION: Description of Artificial Sequence: Consensus  
 2346 sequence  
 2348 <220> FEATURE:  
 2349 <221> NAME/KEY: MOD\_RES  
 2350 <222> LOCATION: (1)  
 2351 <223> OTHER INFORMATION: Hydrophobic amino acid  
 2353 <220> FEATURE:  
 2354 <221> NAME/KEY: MOD\_RES  
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 2355 <222> LOCATION: (5)  
 2356 <223> OTHER INFORMATION: Tyr or His  
 2358 <400> SEQUENCE: 78  
 OK 2359 Xaa Glu Gly Gly Xaa  
 2360 .1 5  
 E--> 2362 41 *delete*

Does Not Comply  
Corrected Diskette Needed

Use of n and/or Xaa has been detected in the Sequence Listing.  
 Review the Sequence Listing to insure a corresponding  
 explanation is presented in the <220> to <223> fields of  
 each sequence using n or Xaa.

VERIFICATION SUMMARY

DATE: 11/06/2003

PATENT APPLICATION: US/09/800,187A

TIME: 09:59:07

Input Set : A:\HUV-037.01.st25.txt

Output Set: N:\CRF4\11062003\I800187A.raw

L:979 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7 after pos.:0  
M:341 Repeated in SeqNo=7  
L:1560 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17 after pos.:0  
L:1598 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19 after pos.:0  
L:1627 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20 after pos.:0  
L:1656 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:21 after pos.:0  
L:1680 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22 after pos.:0  
L:1719 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:23 after pos.:0  
L:1738 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24 after pos.:0  
L:1757 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25 after pos.:0  
L:2282 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:75 after pos.:0  
L:2306 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:76 after pos.:0  
L:2335 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:77 after pos.:0  
L:2359 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:78 after pos.:0  
L:2362 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:78  
L:18 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (73) Counted (78)

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DEFINITION
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ACCESSION      AJ011972.1 GI:3776070
VERSION        histone deacetylase-like protein; jm21 gene.
KEYWORDS       Homo sapiens.
SOURCE         Homo sapiens
ORGANISM       Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;
               Mammalia; Eutheria; Primates; Catarrhini; Homidae; Homo.
REFERENCE      Strom,T.M.
TITLE          Submitted (15-OCT-1998) Strom T.M., Abteilung Medizinische Genetik,
               Goethestr. 29, Muenchen 80336, FRG
JOURNAL        2 (bases 1 to 4099)
REFERENCE      Strom,T.M., Gutwillinger,N., Nyakatura,G., Hellebrand,H.,
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AUTHORS        Transcription map in Xp11.23
TITLE          Unpublished
JOURNAL        Location/Qualifiers
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VERSION	AB020708.1	GI:4240290		
KEYWORDS				
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REFERENCE				
AUTHORS				
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AUTHORS				
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FEATURES				
source				
gene				

GenCore version 5.1.6  
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OM protein - protein search, using sw model

Run on: June 6, 2003, 14:52:43 ; Search time 18 seconds

(without alignments) updates/sec  
2799.652 Million cell

Title: US-09-800-187-6

Perfect score: 6397

Sequence: 1 MTSIGDSTTRRRSRNP.....LDVKNIAHNMKGEDMHPH 1215

Scoring table: BLOSUM62

Gapop 10.0 , Gapext 0.5

Searched: 112892 seqs, 41476328 residues

Total number of hits satisfying chosen parameters: 112892

Minimum DB seq length: 0  
Maximum DB seq length: 200000000

Post-Processing: Minimum Match 0%

Maximum Match 100%  
Listing first 45 summaries

Database: SwissProt\_40.\*

Pred. No. is the number of results predicted by chance to have a score greater than or equal to the score of the result being printed, and is derived by analysis of the total score distribution.

## SUMMARIES

Result No.	Score	Query Match	Length	DB ID	Description
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4	809	12.6	687	1	HDAL_SCHPO
5	805.5	12.6	1084	1	HDAL_HUMAN
6	798	12.5	1080	1	HDAL_CHICK
7	788	12.3	706	1	HDAL_YEAST
8	778.5	12.2	1122	1	HDAL_HUMAN
9	770	12.0	1113	1	HDAL_MOUSE
10	722	11.3	1011	1	HDAL_HUMAN
11	457	7.1	359	1	Y130_ARCFU
12	419.5	6.6	304	1	Y245_SYNY3
13	376	5.9	331	1	YB94_METTH
14	362	5.7	343	1	Y535_METJA
15	345.5	5.4	385	1	ACUC_STRAX
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18	294.5	4.6	503	1	RPD3_YEAST
19	289.5	4.5	507	1	HDAL_CAEEL
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21	280	4.4	520	1	HDAC_DROME
22	277.5	4.3	482	1	HDAL_HUMAN
23	277	4.3	576	1	HDAL_STRPU
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25	273.5	4.3	488	1	HDAL_MOUSE
26	271	4.2	480	1	HDAL_CHICK
27	269.5	4.2	480	1	HDAL_XENLA
28	266.5	4.2	444	1	PHD1_SCHPO
29	265.5	4.2	488	1	HDAL_HUMAN
30	265	4.1	480	1	HDAL_XENLA
31	260.5	4.1	341	1	APHA_MYCRA
32	256.5	4.0	310	1	YGLA_SYNP2
33	255.5	4.0	461	1	HDAL_CAEEL

34	252.5	3.9	452	1	HOS2_YEAST	P53096 saccharomyc
35	238.5	3.7	488	1	HDAL_CHICK	P56519 gallus gall
36	227.5	3.6	697	1	HOS2_YEAST	O02959 saccharomyc
37	225.5	3.5	428	1	HDAL_CHICK	P56520 gallus gall
38	223	3.5	424	1	HDAL_MOUSE	O88895 mus musculu
39	222	3.5	428	1	HDAL_HUMAN	O15379 homo sapien
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42	170.5	2.7	886	1	VGP3_EBYA8	O07284 epstein-bar
43	160	2.5	582	1	PSGL_ONCMR	P12027 oncohynech
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## ALIGNMENTS

RESULT 1	HDAL_HUMAN	STANDARD;	PRT; 1215 AA.
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DT	16-OCT-2001 (Rel. 40, Created)		
DT	16-OCT-2001 (Rel. 40, Last sequence update)		
DT	16-OCT-2001 (Rel. 40, Last annotation update)		
DE	Histone deacetylase 6 (HD6).		
GN	HDAC6 OR JM21.		
OS	Homo sapiens (Human).		
OC	Eukaryota; Metazoa; Chordata; Vertebrata; Euteleostomi;		
OC	Mammalia; Eutheria; Primates; Catarrhini; Homnidae; Homo.		
OX	NCBI_TaxID=9606;		
RN	[1]		
RP	SEQUENCE FROM N.A.		
RX	MEDLINE=99238449; PubMed=10220385;		
RA	Grozinger C.M., Hassig C.A., Schreiber S.L.;		
RT	"Three proteins define a class of human histone deacetylases related to yeast Hda1p.";		
RT	Proc. Natl. Acad. Sci. U.S.A. 96:4868-4873(1999).		
RL	[2]		
RP	SEQUENCE FROM N.A.		
RC	TISSUE=Brain;		
RA	Strom T.M., Gutwilling N., Nyakatura G., Hellebrand H., Dreescher B.,		
RL	Rosenthal A., Meindl A.;		
CC	Submitted (Oct-1998) to the EMBL/GenBank/DBI databases.		
CC	-1- FUNCTION: RESPONSIBLE FOR THE DEACETYLATION OF LYSINE RESIDUES ON THE N-TERMINAL PART OF THE CORE HISTONES (H2A, H2B, H3 AND H4).		
CC	HISTONE DEACETYLATION PLAYS AN IMPORTANT ROLE IN TRANSCRIPTIONAL REGULATION, CELL CYCLE PROGRESSION AND DEVELOPMENTAL EVENTS (BY SIMILARITY).		
CC	-1- SUBCELLULAR LOCATION: Nuclear (By similarity).		
CC	-1- SIMILARITY: BELONGS TO THE HISTONE DEACETYLASE / ACUC / APHA FAMILY. HD SUBFAMILY 2.		
CC	-----		
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CC	-----		
DR	EMBL; AF132609; AAD29048.1; -		
DR	EMBL; AJ011972; CA09893.1; -		
DR	Gene; HGNC:14064; HDAC6.		
CC	MIM: 300272;		
DR	InterPro; IPR000286; His_deacetylase.		
DR	InterPro; IPR001807; ZnF_DBP.		
DR	Pfam; PF00850; Hist_deacetyl; 2.		
DR	Pfam; PF02148; ZF_DBP; 1.		
DR	PRINTS; PRO1270; HDASPER.		
DR	SMART; SM00290; ZnF_DBP; 1.		
DR	HydroLase; Nuclear protein; Repeat.		
KW	DOMAIN		
FT	DOMAIN 87 406 HISTONE DEACETYLASE 1.		
FT	DOMAIN 482 800 HISTONE DEACETYLASE 2.		

SQ SEQUENCE 1215 AA; 131430 MW; 774066633FB11CFA CRC64;  
 Query Match 100.0%; Score 6397; DB 1; Length 1215;  
 Best Local Similarity 100.0%; Pred. No. 0;  
 Matches 1215; Conservative 0; Mismatches 0; Indels 0; Gaps 0;

QY 1 MTSTGDSSTTTRORRSQNPQSPQDSSVTSKRNKKGAVPKRSIPNLAEVKKKKKKK 60  
 Db 1 MTSTGDSSTTTRORRSQNPQSPQDSSVTSKRNKKGAVPKRSIPNLAEVKKKKKKK 60  
 QY 61 QAMBEDLVIGLQGDMLNEAALAGTGLVDEQUNEHCIMWDSFPFGPRLAIRKQL 120  
 Db 61 QAMBEDLVIGLQGDMLNEAALAGTGLVDEQUNEHCIMWDSFPFGPRLAIRKQL 120  
 QY 121 QEGLLDRCVSPQAFARKEELMVSLEYIDIMETTOYNNEGELRYLADYDSVYLHPS 180  
 Db 121 QEGLLDRCVSPQAFARKEELMVSLEYIDIMETTOYNNEGELRYLADYDSVYLHPS 180  
 QY 181 YSCACLASGSVLRVLDVLAELTRNGMAITRPGHHAQHSMDGYCKFNHVAARYAQ 240  
 Db 181 YSCACLASGSVLRVLDVLAELTRNGMAITRPGHHAQHSMDGYCKFNHVAARYAQ 240  
 QY 241 KHRIRVLIYDMDVHHGQGTQTFEDDPSVLYFSIHRYEGGRFPHLKASMTSTGGG 300  
 Db 241 KHRIRVLIYDMDVHHGQGTQTFEDDPSVLYFSIHRYEGGRFPHLKASMTSTGGG 300  
 QY 301 QGTTINPMNOVGKRDADYTAFLVLLPVLEFQPOLVVAAGFALQDPKGEAAAP 360  
 Db 301 QGTTINPMNOVGKRDADYTAFLVLLPVLEFQPOLVVAAGFALQDPKGEAAAP 360  
 QY 361 AGFAQLTHLMGLAGKLLIISLEGYNLRALAGVSAASLTLLGDGCPMLSEGAACRRA 420  
 Db 361 AGFAQLTHLMGLAGKLLIISLEGYNLRALAGVSAASLTLLGDGCPMLSEGAACRRA 420  
 QY 421 QASVSCALELPEFWEVLVSTETVERDNNEEDNVESEEGPWEPPVPIITWPVLOS 480  
 Db 421 QASVSCALELPEFWEVLVSTETVERDNNEEDNVESEEGPWEPPVPIITWPVLOS 480  
 QY 481 TGLVYDNNMNNHNCIMDSHHPVQRLIRMCLEELGLAGRLTTPRATAEALLTGH 540  
 Db 481 TGLVYDNNMNNHNCIMDSHHPVQRLIRMCLEELGLAGRLTTPRATAEALLTGH 540  
 QY 541 SAEVYGLRATERKKTRELHRESSNDSIYICSTFAQALATGACRLVEAVLSEVYN 600  
 Db 541 SAEVYGLRATERKKTRELHRESSNDSIYICSTFAQALATGACRLVEAVLSEVYN 600  
 QY 601 GAAVVRPGRHHAQDAACGCFPNSVAVARHAQTISGHALRLIYDMDVHHGNGTQMF 660  
 Db 601 GAAVVRPGRHHAQDAACGCFPNSVAVARHAQTISGHALRLIYDMDVHHGNGTQMF 660  
 QY 661 EDDPSVLYSLHRYDHGTFPPMGDEGASSQIGRAAGTFVYVAMGPBGADYLAAMH 720  
 Db 661 EDDPSVLYSLHRYDHGTFPPMGDEGASSQIGRAAGTFVYVAMGPBGADYLAAMH 720  
 QY 721 RLVLPAYERPELVYSAGFDARBDPLGCGVSEBGVAHLTHLMGLASGRILLILEG 780  
 Db 721 RLVLPAYERPELVYSAGFDARBDPLGCGVSEBGVAHLTHLMGLASGRILLILEG 780  
 QY 781 GYMLTSSSEMACTSLIGDPPRLTLPPRLISGALASTETIOVHRHYMSLRMYKE 840  
 Db 781 GYMLTSSSEMACTSLIGDPPRLTLPPRLISGALASTETIOVHRHYMSLRMYKE 840  
 QY 841 DREGPSSSKLVTKAPQAPKAPRLAEMRTREKKVLEBAGNGKVTASFGSESTPGQTNST 900  
 Db 841 DREGPSSSKLVTKAPQAPKAPRLAEMRTREKKVLEBAGNGKVTASFGSESTPGQTNST 900  
 QY 901 AYAALNODOPSSEATGATLAQTIISRAIGAGALGOTISEAVGATPQOTTSEETVGA 960  
 Db 901 AYAALNODOPSSEATGATLAQTIISRAIGAGALGOTISEAVGATPQOTTSEETVGA 960  
 QY 961 ILDQTTSEDAVGATLGOTTSEAVGATLAQTIISRAIAGATLDQTTSEAPGGETLQ 1020  
 Db 961 ILDQTTSEDAVGATLGOTTSEAVGATLAQTIISRAIAGATLDQTTSEAPGGETLQ 1020

QY 1021 TPFASTDHQRPPTSPVGGTTPQISPSTLISGRLTLEIGSSQASBSQASQANGENLAGEA 1080  
 Db 1021 TPFASTDHQRPPTSPVGGTTPQISPSTLISGRLTLEIGSSQASBSQASQANGENLAGEA 1080  
 QY 1081 AGGQDADSMMLQSGRGLTDQAFYAVTPPLMCPFLVAVCIPPAAGLDVTPCGDCGTQ 1140  
 Db 1081 AGGQDADSMMLQSGRGLTDQAFYAVTPPLMCPFLVAVCIPPAAGLDVTPCGDCGTQ 1140  
 QY 1141 ENMWCLSCYQYCGRYNGHMLQHHNGSGHPVLVSYDLSAMCYCQAYVHHQALLDVKN 1200  
 Db 1141 ENMWCLSCYQYCGRYNGHMLQHHNGSGHPVLVSYDLSAMCYCQAYVHHQALLDVKN 1200  
 QY 1201 IAHQKFGEDMPHP 1215  
 Db 1201 IAHQKFGEDMPHP 1215

RESULT 2  
 HD6.MOUSE  
 ID HD6.MOUSE STANDARD; PRT: 1149 AA.  
 AC 0923V5;  
 DT 16-OCT-2001 (Rel. 40, Last sequence update)  
 DT 16-OCT-2001 (Rel. 40, Last annotation update)  
 DE Histone deacetylase 6 (HD6) (Histone deacetylase mHDA2).  
 GN HDAC6.  
 OS Mus musculus (Mouse).  
 OC Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;  
 OC Mammalia; Eutheria; Rodentia; Sciurognathi; Muridae; Murinae; Mus.  
 OX NCBI\_TaxId:10090;  
 RN [1]  
 RP SEQUENCE FROM N.A.  
 RC STRAIN=C57BL/6J; TISSUE=Fetal;  
 RX MEDLINE=99107904; PubMed=9891014;  
 RA Verdel A., Khochbin S.;  
 RT Identification of a new family of higher eukaryotic histone  
 RT deacetylases. Coordinate expression of differentiation-dependent  
 RT chromatin modifiers.";  
 RL J. Biol. Chem. 274:2440-2445(1999).  
 CC -1- FUNCTION: RESPONSIBLE FOR THE DEACETYLATION OF LYSINE RESIDUES ON  
 CC THE N-TERMINAL PART OF THE CORE HISTONES (H2A, H2B, H3 AND H4).  
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 CC -1- SUBCELLULAR LOCATION: Nuclear (By similarity).  
 CC -1- SIMILARITY: BELONGS TO THE HISTONE DEACETYLASE / ACUC / APHA  
 CC FAMILY. HD SUBFAMILY 2.  
 CC -----  
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 CC -----  
 CC EMBL: AF006603; AAD09835.2;  
 CC MGD: MGI:1333752; Hdac6.  
 CC InterPro: IPR000286; Hist.deacetylase.  
 CC Pfam: PF00850; Hist.deacetyl1; 2.  
 CC PRINTS: PR01270; HDASUPER.  
 CC SMART: SMO0290; ZNF-UBP. 1.  
 CC Hydrolase; Nuclear protein; Repeat.  
 KW DOMAIN 87 403  
 FT DOMAIN 481 799 HISTONE DEACETYLASE 1.  
 FT DOMAIN 455 460 POLY-GLU.  
 FT SEQUENCE 1149 AA; 125703 MW; 2B98CDB228CE0D1D CRC64;  
 Query Match 73.0%; Score 4667; DB 1; Length 1149;  
 Best Local Similarity 74.4%; Pred. No. 2,7e-286;